

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-048714-001 DT
CR2009-122465-001 DT

07/05/2016

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT
K. Sotello-Stevenson
Deputy

STATE OF ARIZONA

DIANE M MELOCHE

v.

CHARLES THOMAS STRUEBING (001)

CHARLES THOMAS STRUEBING
130522 ASPC LEWIS RAST UNIT
P O BOX 3600
BUCKEYE AZ 85326
JANELLE A MCEACHERN

AZ DOC - GENERAL COUNSEL
COURT ADMIN-CRIMINAL-PCR

**ACCESS TO CASE FILE CDs
EXTENSION OF TIME TO FILE PRO PER SUPPLEMENTAL PETITION FOR POST-
CONVICTION RELIEF
MOTIONS FOR TYPEWRITER AND LAW LIBRARY ACCESS DENIED
ORDER TO ADVISORY COUNSEL**

The Court has received and considered the following submissions from Defendant: (1) "Motion for Type Writer Approval," (2) "Motion to Use Computer," and (3) "Motion for Law Library Access and Continuance 90 Day," all filed on May 31, 2016. Defendant filed a Pro Per Petition for Post-Conviction Relief on January 14, 2016. Since that time, Defendant has requested and received multiple extensions of time to file a Pro Per Supplemental Petition for Post-Conviction Relief. He now seeks an additional extension on the ground that the Arizona Department of Corrections has not granted him sufficient access to a computer to view case file CDs, and has refused to provide him with law library access, copies of legal authorities and case documents, and a typewriter with which to prepare his supplemental petition.

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This Court previously directed Defendant to document his complaints, pursue relief through the ADOC's administrative process, and present the complaints to this Court for further review. He has now submitted documentation of ADOC's denial of his requests to use a typewriter, to obtain copies of legal authorities, to use the law library, and to receive make-up time on the computer to view case file CDs. Based upon Defendant's submissions and ADOC's responses, it appears that ADOC does not supply copies of legal authorities or typewriter access to any inmate and law library access for all inmates is restricted. The Court advises Defendant that he may obtain assistance with obtaining copies of legal authorities and his court filings from his advisory counsel, Janelle McEachern. In addition, Defendant may wish to ask ADOC to provide an assistant to transcribe Defendant's supplemental petition. The Court stresses that any lay assistant may not file a supplemental petition for Defendant or draft arguments. The Court is sending a copy of this order to legal counsel for the ADOC. Good cause appearing,

IT IS ORDERED that Ms. McEachern consults with Defendant by no later August 4, 2016 and file with the Court by that date a Notice of Compliance. Ms. McEachern shall assist Defendant with obtaining copies. Reasonable costs to obtain copies of legal authorities, the supplemental petition, and exhibits to the supplemental petition will be paid by Maricopa County.

IT IS FURTHER ORDERED granting Defendant's motion for an extension of time to and including September 5, 2016 to file the *pro per* Supplemental Petition for Post-Conviction Relief. The Court is extending the deadline again so that Defendant may have sufficient time to access case CDs and to complete the supplemental petition. No further extensions will be granted without a showing of extraordinary circumstances. Ariz. R. Crim. P. 32.4(c)(2).

IT IS FURTHER ORDERED denying Defendant's motions for typewriter approval and law library access.